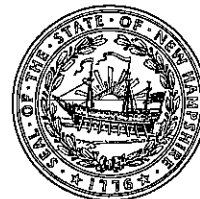




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 19, 2009

The Honorable Judith Spang, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 307, relative to allowing the construction of gray water systems on private property.

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 307, which would add new language to RSA 485-A to allow for the construction of so-called gray water systems on private property. The Department of Environmental Services (DES) opposes this bill for the following reasons.

Pursuant to RSA 485-A:29-44, DES has adopted and implemented administrative rules under Env-Wq 1024 that authorize DES to review and approve innovative and alternative technology (ITA) processes for the proper treatment of wastewater. The rules prescribe a process for applicants to propose new and innovative ways to treat wastewater that differ from what is considered to be conventional wastewater treatment technology. To be eligible for ITA consideration, the applicant must demonstrate to DES that the proposed technology is likely to be at least as protective of the environment as conventional technology, as that criterion is explained in Env-Wq 1024.10(a); and that the proposed technology is likely to function as reliably or better than conventional technology, as that criterion is explained in Env-Wq 1024.10(b). If applicants can demonstrate, through proper testing in conditions similar to those that the proposed technology will treat in the field, DES can grant either a provisional or general ITA approval.

In summary, the department believes the language in proposed RSA 485-A:58-60 contained in HB 307 is unnecessary. RSA 485-A:29-44 and the administrative rules found in Env-Wq 1024 provide for the present standards for review and approval of innovative and alternative septic systems in the state of New Hampshire. We therefore strongly feel that the proposed legislation is unnecessary and redundant and recommend that you find the bill Inexpedite to Legislate (ITL).

Thank you again for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or William E. Evans, P.E. at 271-3304, if you have any questions or need additional information.

Sincerely,

Michael Wales, Asst Comm.
for Thomas S. Burack
Commissioner

cc: Representative Preston